IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2761 of 2005 (O&M)
Date of Decision: 5.12.2006

Maghar Singh & Ors. ..Petitioners

Vs.

Sukhdev Singh & Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.L.S.Sidhu, Advocate,
for the petitioners.

Mr.J.S.Virk, Advocate,
for respondents No.1 to 4.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against an order vide which the application moved by the petitioners under Order 22 Rule 2 of the Code of Civil Procedure (for short the Code) for being brought on record the legal representatives of deceased Bachan Kaur has been dismissed.

The only reason given for the dismissal of the application by the learned Trial Court was that the suit was filed by Bachan Kaur daughter of Maghar Singh through her Attorney S.Maghi Singh, who had further claimed that he was her only legal representative on the basis of Will executed in his favour. The applicants have disputed the Will. The fact that the petitioners are the legal representatives of Bachan Kaur is not

disputed. In view of this, it was not right on the part of learned Trial Court to have dismissed the application merely on the ground that the suit has become 6 years old. The applicants-petitioners were to be brought on record as the legal representatives of Bachan Kaur and were to step into her shoes without any independent right and therefore, the pendency of suit for a particular period was of no consequence.

Accordingly, this revision petition is allowed. The impugned order is set aside and the application moved by the petitioners under Order 22 Rule 2 of Code of Civil Procedure is allowed.

(Vinod K.Sharma)
Judge

5.12.2006
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